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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,399	06/19/2001	Amir Kolsky	M02/3	1307

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,399

Applicant(s)

KOLSKY ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 19-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US 6,243,596 and further in view of Microsoft Corporation 1998 and Kadyk et al. US 6,674,767.

As per **claims 1 and 22**, Kikinis teaches a method for providing access at an access device to a digital resource through an access network (Abstract teaches using a cell phone to access the Internet, see figure 2 and 7) comprising;

Using the access device in a first mode (using cell phone to access network via cellular protocols/modes which are typically used to transmit voice, C3, L45 to C4, L53);

Using the access device in a second mode, accessing the digital resource if said request is resolved (the device is Web-enabled, per abstract and figure 7, so it can connect to and access the Web via a "second mode" which is interpreted as transmitting/receiving data packets via the RF cellular voice network).

But is silent on

Associating the digital resource with a digital resource object identifier;
transmitting a request with said digital resource object identifier to access the digital resource through the access network

Resolving said request to identify the digital resource according to said digital resource object identifier.

The examiner notes that Web/ISP access, such as connecting to AOL or Compuserve, can be ICON-based whereby the user can click one ICON (eg. shortcut) to force a computing device to connect to a wired/wireless network via a first protocol (eg. LAN/cellular protocols) and then associate the connection to a particular address/URL via a second protocol (ie. aol.com or compuserve.com via HTTP protocol). Similarly, one skilled would use this ICON-based routing for generic object identifiers whereby it can be associated with a digital resource, transmitted across a network and resolved into a network connection and URL address. ICON-based routing is taught by **Microsoft** Internet Explorer (see Microsoft.com) whereby a user defines the default homepage (via the Internet Options Dialog box) that is navigated to when the user clicks the "IE" ICON (ie. the computer first makes a network connection and then makes a HTTP connection). Similarly, one skilled can use this "resolving" concept and apply it to digital resources and object identifiers as described by the user's specification (page 7, L12-21):

"....The present invention overcomes these deficiencies of the by providing a system and a method for object access through a cellular telephone which is provided herein as object dialing'. Object dialing requires a data enabled access device, preferably a cellular telephone, through which the user enters an object identifier. The cellular telephone then connects to a object identifier resolution server, which processes the object identifier once the connection has been initiated the server proceed to the object identifier in order to locate the requested object. After the server identifies the object then preferably at least one interactive communication is sent to the cellular telephone of the user. For example, such an interactive communication could optionally be a menu from which the user selects one or more choices, and/or enters additional data...."

Lastly, the examiner puts forth **Kadyk** who teaches a flexible system that accommodates data transfer from an origination device over a wide variety of networks to a wide variety of destinations even if the networks use different protocols or data formats (abstract, figures 2-3). Kadyk teaches that information intended for a user's cell phone is translated by the gateway which determines the proper type of phone and network connection (C2, L35-61 and/or C8, L55 to C9, L67).

With further regard to claim 22, Kikinis is silent on wherein said digital resource object identifier is selected to be compatible with said first mode. Microsoft teaches using Internet Explorer whereby the computer will detect network connectivity (ie. wired or wireless means) and select one that is compatible with first means to provide the user with connectivity to the Internet.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis, such that Associating the digital resource with a digital resource object identifier and transmitting a request with said digital resource object identifier to access the digital resource through the access network and resolving said request to identify the digital resource according to said digital resource object identifier occurs, to provide means for automatically connecting to a network via first means and changing to a second means to connect to digital data via an object identifier.

As per **claim 2**, Kikinis teaches claim 1, wherein said request is transmitted according to first mode through the access network, while the digital resource is access according to a second mode through the access network such that access the resource causes the access device to switch from said first mode to second mode (Abstract teaches using cellular links/protocols, eg. first mode, to connect to the network and then HTTP protocol, eg. second mode, to use network to connect to digital resource).

As per **claims 3-4**, Kikinis teaches claim 2 wherein the access device is requested/forced to switch from said first mode to said second mode (Abstract and figure 7 teaches the user using a cell phone with cellular protocols that connects to the Internet and then is "forced/requested" to use HTTP protocol for URL navigation).

As per **claim 5**, Kikinis teaches claim 1 wherein resolving said request includes identifying a user of the access device (figure 1 shows the user connecting to an ISP and Proxy Server which verify the identity of the user).

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As per **claim 6**, Kikinis teaches claim 5 wherein said user is identified for using the access network with a user ID, such that said user is identified when resolving said request with said user ID for the access network (figure 1 shows the user connecting to an ISP and Proxy Server which verify the identity of the user).

As per **claim 7**, Kikinis teaches claim 1 wherein the access device is a wireless device (abstract teaches cell phone).

As per **claim 8**, Kikinis teaches claim 7 wherein the access device is selected from the group consisting of a pager device and a PDA (C3, L66 to C4, L18 teaches PDA while abstract teaches web-enabled cell phone).

As per **claim 9**, Kikinis teaches claim 7 wherein the access device is a cell phone and the access network is a cellular network (abstract teaches a cell phone which inherently requires a cell network).

As per **claim 10**, Kikinis teaches claim 9 wherein the digital resource is access through a data session with said cellular phone (Abstract teaches a web-enabled cell phone that can access data via the Internet and Kikinis also discloses TCP/IP, C3, L45-59, which utilizes data sessions while transporting data).

As per **claims 11-12**, Kikinis teaches claim 10 wherein the digital resource is a markup language and/or WML (abstract teaches a wireless web-enabled phone accessing the internet via Hypertext Markup Language, C5, L53 and WML is inherently used with web-enabled phones).

As per **claim 13-16**, Kikinis teaches claim 9/13/14/13 **but is silent on** wherein the request is sent according to a string, such that a portion of said string identifies an address for the resource, parsing at least a portion of said string to identify the digital resource, string includes a telephone number.

The examiner notes that using ICON-based routing (see claim 1) causes the ICON to be associated with both means for accessing a network and means for accessing digital content. The double-clicking of the IE (or AOL or Compuserve) ICON causes the computer/PDA to connect to the Web/ISP via first means (cellular protocol) and then connect to the Internet via second means (HTTP protocol). The ICON stores both the telephone string that is dialed as well as a default homepage string/URL which is connected to.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis, such that the request is sent according to a string, such that a portion of said string identifies an address for the resource, parsing at least a portion of said string to identify the digital resource, string includes a telephone number, to provide means for using a data string to identify a digital resource address.

As per **claims 19-20**, Kikinis teaches claim 1 **but is silent on** wherein the request is sent according to USSD/SMS messaging formats.

The examiner takes Official Notice that these formats are well known in the art of cellular networks and provide means for transmitting data via a cellular network. Hence one skilled would use them with Kikinis' design to transmit/receive short data messages.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis, such that the request is sent according to USSD/SMS messaging formats, to provide means for supporting well known industry wireless messaging standards to transfer data.

As per **claim 21**, Kikinis teaches claim 1 wherein the access network is selected from the group consisting of PSTN and ISDN (C4, L28-40 teaches phone lines or ISDN).

As per **claim 23**, Kikinis teaches claim 22 and wherein first mode is an audio mode and said digital resource identifier is compatible with DTMF tone dialing (C4, L28-40 teaches using analog phone lines which use DTMF dialing).

Allowable Subject Matter

Claims 17-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite highly specific designs not found in the prior art of record and are therefore novel in the examiner's opinion.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta



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